

Monsanto

LAW DEPARTMENT

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July 2, 1987

Certified Mail
Return Receipt Requested

Ms. Susan Swales 5HE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, IL 60604

RECEIVED

JUL 8 1987

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT SECTION

Re: Dead Creek--Area G
Sauget Site
Sauget, Illinois

Dear Ms. Swales:

This letter is in response to the undated U.S. Environmental Protection Agency (U.S. EPA) letter on the Dead Creek--Area G site. In response to that letter, we disagree with U.S. EPA's overly broad assumption of authority allegedly conferred by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law No. 99-499, 100 Stat. 1613 (1986) (SARA). Furthermore, U.S. EPA does not furnish sufficient data to support the letter's factual assertion that Monsanto may be a potentially responsible party at the Dead Creek--Area G site. We also object to the overly broad scope of the questions included in the U.S. EPA's information request. However, consistent with Monsanto's policy of cooperation with government agencies, we are responding to your request but at the same time not waiving any objections to U.S. EPA's statement of authority, the lack of factual support for its factual assertions, or the broad scope of information requested.

We first note in responding to U.S. EPA's request for information that it places no limitations upon the time periods involved. We are aware, based upon work conducted by the Illinois Environmental Protection Agency (IEPA) and the U.S. EPA, that aerial photos indicate disposal began at the Dead Creek--Area G site in 1955. Accordingly, we are focusing upon that time as the initiation of

waste disposal activities. To further refine the relevant time periods, we note that Monsanto began operating a landfill on its own property in 1959, a fact which is also reflected in published IEPA and U.S. EPA reports. Based upon record reviews and interviews of past Monsanto personnel, whose duties related to waste handling during the relevant time periods, Monsanto has located no records or other information to the effect that any Monsanto hazardous wastes were disposed of at the Dead Creek--Area G site.

Furthermore, Monsanto never owned the site, conducted any operations upon it, or had any other legal relationship to it. Monsanto has no information as to site improvements, conditions or activities other than that which has been published in various IEPA and U.S. EPA studies on the Sauget area. Monsanto is not planning on conducting any study on conditions at this site. The interviews of past Monsanto personnel with duties related to waste handling indicated that none of them had any knowledge as to the generation, transportation, treatment or disposal of hazardous substances at the site.

Monsanto's Krummrich facility, as a major manufacturing plant for industrial and commercial chemicals, has handled, used and manufactured a wide variety of substances since its operations began after the turn of the century. At Krummrich, Monsanto has handled polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), chlorobenzenes, xylenes, chlorinated solvents and ketones, as well as other substances. These materials were obtained, used, handled and sold as raw materials, intermediates, and products in a variety of processes which changed over the years. None of these processes were carried out at the Dead Creek--Area G site.

It must be understood that Monsanto's ability to respond to this information request is restricted by the age of the transactions, the breadth of information required, and the extent of documentation sought. As a result, Monsanto cannot respond to the U.S. EPA's information request beyond the information set forth above without the corresponding assistance of the U.S. EPA. U.S. EPA claims to have information that Monsanto may be a potentially responsible party, but does not disclose what that evidence is. Accordingly, we request that U.S. EPA provide us with all data in its possession which reflects Monsanto's alleged involvement with this site.

Please be assured that Monsanto supports the prompt and efficient cleanup of sites which present an imminent, substantial danger to public health, welfare or the environment. In the event that further information subsequently establishes that Monsanto is indeed responsible for hazardous wastes at the Dead Creek--Area G site, Monsanto is prepared to participate with other potentially responsible parties in appropriate cleanup efforts.

Accordingly, please keep us apprised of any new developments as to site conditions, additional studies, cleanup plans or information linking Monsanto to the site. In the meanwhile, if there are any questions with regard to the matters discussed above, please contact me at (314) 694-1278.

Very truly yours,


Stephen P. Krchma
Assistant Environmental Counsel

SPK:jw/LD22jw18